

## **REMARKS**

### **Status of Claims**

The Office Action mailed March 14, 2006 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-4, 6-23, and 25-35 were pending in the application, with claims 1-4 and 6-19 being withdrawn. Since the claims have not been changed, claims 1-4, 6-23, and 25-35 are pending in the application and claims 20-23 and 25-35 are presented for reconsideration.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

### **Prior Art Rejection**

In the Office Action, claims 20-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,657,453 to Taoka et al. (hereafter "Taoka") in view of U.S. patent 5,946,663 to Tanaka et al. (hereafter "Tanaka") and U.S. Patent No. 6,856,542 ("Cox"). Applicants respectfully traverse these rejections for at least the following reasons.

Each of the pending independent claims 20, 32, and 35 recite a system (or software) that, *inter alia*, recites (1) tracking inventory of a time period sensitive item grown on a farm where a source item grows on the farm to produce the time period sensitive item (for example, vegetative cuttings or seedlings). In order to track this specialized type of inventory, the independent claims further recite (2) determining an initial production index value representing the number of time period sensitive items "available" per each period, and (3) adjusting the production index value for one or more of the time periods based on observed parameters related to the source item or growth environment associated with the source item.

None of these recited features is disclosed or suggested any of the applied references. Specifically, as acknowledged in the Office Action, Taoka and Tanaka have nothing to do with use in a farm system. Furthermore, these references also do not disclose or suggest the above mentioned features (1)-(3) which solve unique problems related to inventory in farm systems. Furthermore, none of these references discloses or suggests anything related to

determining a time period based availability of the time period based sensitive item (grown on a farm) by determining an initial production index value that represents the number of time period sensitive items available per source items for each time period. For example, the number of vegetative cuttings from a stock plant varies from one time period to another (and from one farm to another), and this variability is accounted for in the claimed system by use of the initial production index value. Furthermore, the initial production index value is adjusted periodically based on observed parameters related to the source item or its growth environment so the claimed inventory control system provides for a far more accurate inventory control procedure for time period sensitive items grown in a farm when compared to a conventional system.

The Office Action relies on Taoka for allegedly disclosing the claimed adjusting the production index value for one or more of the time periods based on observed parameters related to the source item or growth environment associated with the source item. With respect to this feature, the Office Action states that Taoka discloses in col. 9-11 a process of “modifying production.” However, modifying production of a manufactured item has nothing to do with adjusting a production index value which indicates a time period based “availability” of time period sensitive items from source items grown in farms. In fact, the availability of such items from a source item cannot be modified in the same manner as production can be modified from component parts, and only a production index value can be adjusted based on observed parameters to accurately capture a time period based “availability” of time period sensitive items (for example, seedlings or cuttings) that may be derived from source items grown in a farm. Therefore, the system of Taoka which modifies production of manufactured items from component parts is very different from, and inapplicable to, the claimed system in which source items grown in plants make available time period sensitive items whose index value varies with time and whose adjusted value as recited in the pending claims provides the advantages of the claimed system. Therefore, the system of Taoka discloses neither the recited features nor provides the advantages of the system recited in the pending independent claims.

Furthermore, this deficiency in Taoka is not cured by any of the other applied references. Tanaka relates to a production schedule for a manufactured item and Cox is a pure forecasting system that has nothing to do with production planning for inventory control

System. Cox relates to forecasting agricultural commodity prices and consumption, production, and trade flows across regions. See lines 1-6 of the Abstract of Cox. Therefore, Cox has nothing to do with the production planning for an inventory control system in which production index values (representing the number of time period sensitive items “available” from a source item in a farm) are adjusted based on the observed parameters so that more accurate inventory control on a time period basis can be achieved for the unique characteristics of time period sensitive items that are derived from source items that grow on a farm.

Therefore, neither the specific recited features nor its advantages are disclosed by the applied prior art. Accordingly, the Office Action fails to make a *prima facie* case of obviousness with respect to the pending claims as required by section 103. Therefore, applicants believe that the pending independent claims 20, 32, and 35 are allowable over the applied prior art.

The dependent claims are also in condition for allowance for at least the same reasons, as discussed above, as the independent claim on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. In fact, the Office Action does not address the specific features recited in the dependent claims and simply alleges that the use of the manufactured item planning system would have been an obvious design choice in a plant/seedling environment. In view of the vastly different characteristics of these systems, this statement is incorrect in that production planning of manufactured items does not take into account the specific characteristics of time period sensitive items that are generated from a source item in a farm whose production index values needs to be adjusted periodically based on observed parameters as recited in the pending independent claims in sharp contrast to “modifying” production in production planning of manufactured items from component parts. Therefore, the dependent claims are also patentable for the specific features recited therein.

#### **Rejoinder of Withdrawn Claims**

If appropriate, rejoinder of withdrawn claims 1-4 and 6-19 is requested as provided by MPEP §821.04 and *In re Ochiai*.

**Conclusion**

In view of the foregoing amendments and remarks, applicants respectfully submit that the application is in condition for allowance. If there are any questions or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is courteously invited to contact the undersigned attorney at the local telephone number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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